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<b>Notice of Allowability</b>	Application No.	Applicant(s)	
	09/688,609	MONTALVO, ARMANDO	
	Examiner	Art Unit	
	Arezo Sherkat	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/3/2007.
2. ☒ The allowed claim(s) is/are 1 and 3-10.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material


5. ☐ Notice of Informal Patent Application

6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 5/22/2007.

7. ☒ Examiner's Amendment/Comment

8. ☐ Examiner's Statement of Reasons for Allowance

9. ☐ Other \_\_\_\_\_

  
**AYAZ SHEIKH**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

**Detailed Action**

This office action is responsive to the board of patent appeals and interferences received on 5/3/2007. Based on the board's decision, Examiner's rejection of claims 1 and 3-10 is affirmed and the rejection of claim 2 is reversed.

**EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Georgann S. Grunebach on 5/21/2007. The application has been amended as follows:

1. (Currently Amended) A virtual biological fluid system for secure communications, said system comprising:
  - a plurality of communication layers, and
  - a security control plane coupled to and formed using information from each of said plurality of communications layers, whereby said security control plane in conjunction with said security information forms a virtual biological fluid insuring secure data transmission;
  - a primary gateway having security information, wherein at least one station is in communication with said primary gateway;

a satellite in orbit and in communication with said primary gateway and said at least one station, and said security control plane is on board said satellite.

2. (Cancelled)

3. (Original) The system as recited in claim 1, wherein at least one of said plurality of communication layers is an application layer.

4. (Original) The system as recited in claim 1, wherein at least one of said plurality of communication layers is a presentation layer.

5. (Original) The system as recited in claim 1, wherein at least one of said plurality of communication layers is a session layer.

6. (Original) The system as recited in claim 1, wherein at least one of said plurality of communication layers is a transport layer.

7. (Original) The system as recited in claim 1, wherein at least one of said plurality of communication layers is a network layer.

8. (Original) The system as recited in claim 1, wherein at least one of said plurality of communication layers is a data link layer.

9. (Original) The system as recited in claim 1, wherein at least one of said plurality of communication layers is a physical layer.

10. (Currently Amended) A method for secure communications over a network, said method comprising the steps of:

generating security data;

forming a security control plane using information from each of a plurality of communication layers, said security control plane coupled to said plurality of communication layers;

forming a virtual biological fluid using said security control plane in communication with said security data, whereby secure data transmission between a ground gateway and a station may occur, wherein said security control plane is on board a satellite in orbit, in communication with said ground gateway and said station;  
and

communicating secure data between said ground gateway and said station.

***Allowable Subject Matter***


Claims 1 and 3-10 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arezoo Sherkat whose telephone number is (571) 272-3796. The examiner can normally be reached on 8:00-4:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A.S.  
Patent Examiner  
Group 2131  
5/22/2007

  
AYAZ SHEIKH  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/688,609	10/13/2000	Armando Montalvo	PD-990304	9945
20991 7590 12/31/2007 THE DIRECTV GROUP, INC. PATENT DOCKET ADMINISTRATION CA / LA1 / A109 P O BOX 956 EL SEGUNDO, CA 90245-0956			EXAMINER SHERKAT, AREZOO	
			ART UNIT 2131	PAPER NUMBER
			MAIL DATE 12/31/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.